

EXHIBIT G

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA - (RICHMOND)
LULA WILLIAMS, et al.,

Plaintiff,

-vs-

Civil Docket #3:17-cv-00461-REP

HON. {Judge}

BIG PICTURE LOANS, LLC,

Defendant.

The Videotaped Virtual De` Bene`
Esse` Deposition of KARRIE SUE WICHTMAN,
ESQUIRE, taken on behalf of the Defendant, in
the above-entitled action before Anita L.
Flanagan, CSR-2621, a Notary Public and Court
Reporter in and for the County of Wayne,
acting virtually in the County of Philadelphia
in the City of Philadelphia, Pennsylvania, in
said county on Tuesday, July 14, 2020, at 9:00
a.m. (CT), or thereabouts, pursuant to notice.

1 can give me something specific.

2 Q. Did you have discussions with Mr. Martorello
3 about the issue of whether or not the tribal
4 lending businesses were legal?

5 A. Yes, several.

6 Q. And over what period of time?

7 A. Between probably July, two thousand -- well,
8 not July, I'm looking at the screen, sorry;
9 2012 until 2016, when -- when the deal closed.
10 I mean there was always something that Matt
11 had a question about.

12 Q. Did you ever take a view that the businesses
13 were illegal?

14 A. No.

15 Q. Did you take a contrary view that the
16 businesses were illegal?

17 A. A contray view to the businesses being
18 illegal?

19 Q. That the businesses were illegal?

20 A. Yes.

21 Q. Do you think they were legal, as you sit here
22 today?

23 A. Yes.

24 Q. Was there ever a point in time that you
25 believed the businesses were illegal?

1 MS. KELLY: Objection, form.
2 Are you referring to the travel lending
3 businesses?

4 MR. SCHEFF: Yes.

5 THE WITNESS: Was there ever
6 a point in time when I was concerned that the
7 businesses were illegal; was that the
8 question?

9 MR. SCHEFF: Yes.

10 A. No.

11 (By Mr. Scheff):

12 Q. You referred to Jennifer Wells, as someone who
13 you negotiated with in 2011, correct?

14 A. Correct.

15 Q. And do you know -- does -- does -- did Ms.
16 Wells have a similar practice to yours.

17 MS. KELLY: Objection, scope.

18 MR. SCHEFF: You can answer.

19 A. She worked for a much larger firm with an
20 Indian law practice, so I -- I -- so I would
21 say yes, similar.

22 (By Mr. Scheff):

23 Q. Did you ever talk to Ms. Wells about her views
24 of the lawfulness of the tribal lending
25 operation?

1 A. Yes.

2 Q. And what was her view?

3 A. Same as mine, that they were legal.

4 Q. Now, did you ever hear Ms. Wells say that she
5 thought the tribal lending businesses were
6 illegal?

7 MS. KELLY: Objection, lack
8 of foundation.

9 MR. SCHEFF: You can answer.

10 A. No, I never heard her say that.

11 (By Mr. Scheff):

12 Q. Did you ever hear her say that the services
13 provided by Bellicose and Sourcepoint for Red
14 Rock and Duck Creek constituted illegal acts?

15 MS. KELLY: Objection,
16 foundation.

17 MR. SCHEFF: You can answer.

18 A. No.

19 (By Mr. Scheff):

20 Q. Did you ever tell Mr. Martorello that
21 Bellicose and Sourcepoint's provision of
22 consulting managements and servicing to Red
23 Red and Duck Creek constituted illegal acts?

24 MS. KELLY: Objection,
25 leading, lack of foundation.

1 MR. SCHEFF: You can answer.

2 A. Not that I recall.

3 (By Mr. Scheff):

4 Q. Did you ever believe that?

5 MS. KELLY: Objection,
6 outside the scope.

7 MR. SCHEFF: You can answer.

8 A. Yes.

9 (By Mr. Scheff):

10 Q. Are you familiar with an entity called the
11 CFPD?

12 A. Yes.

13 Q. And Ms. Wichtman, the CFPD stands for Consumer
14 Financial Protection Bureau?

15 A. Yes.

16 Q. And how is it that you are familiar with the
17 CFPD?

18 MS. KELLY: Objection, scope.

19 MR. SCHEFF: You can answer.

20 A. Consumer Financial Services is a highly
21 regulated business, and the CFPD is one of the
22 regulators.

23 (By Mr. Scheff):

24 Q. And if you know, what, approximately, was the
25 CFPD for?

1 A. It depends on what occasions we had the
2 conversation.

3 Q. Can you describe What you told him?

4 A. I told him, you know, that the tribal
5 sovereign lending model was sound, and that we
6 weren't structured in the same way, and that
7 all of the -- I think that the -- the Western
8 Skys, AMGs, Cash Calls, Butch Webb's of the
9 world could be distinguished from the
10 operation of Red Rock and Duck Creek and --
11 and the involvement of the tribe.

12 You know, I mean we --we
13 truly believed in the -- the tribal lending
14 model and the structure that we had put in
15 place in order to operate the tribe's
16 business.

17 Q. Are you familiar with a case that was solved
18 in the Southern District of New York by the
19 Otoe-Missouria Tribe and others?

20 A. Yes.

21 Q. And did you have discussions with
22 Mr. Martorello about that case, both the
23 district court and the court of appeals case?

24 A. Yes.

25 Q. And did you -- did you and Mr. Martorello

1 discuss that that case -- Strike that.

2 Did the result of that case
3 cause you to believe that the Red Rock and
4 Duck Creek lending operation was illegal?

5 MS. KELLY: Objection,
6 leading.

7 A. No.

8 (By Mr. Scheff):

9 Q. Why not?

10 A. Well, you asked about two cases, Richard, the
11 District of New York and then the appeal, so I
12 guess at what point in time are we talking? I
13 mean neither one of them caused me to believe
14 that it's illegal, but for different reasons.

15 Q. Okay. So let's start with the district count.

16 A. So with the district court that was on a
17 hearing for a preliminary injunction, and what
18 the Court was looking at was the information
19 in the papers filed before it, it -- it was
20 never an Evidentiary Hearing; there was never
21 a hearing on the merits; there was never a
22 trial and so the findings that the Court made
23 and the Order that the Court entered was based
24 on whether or not the Court believed that the
25 plaintiffs had met the standard necessary for

1 a preliminary injunction, and it was denied.

2 That wasn't the end of the
3 case, by any means, and so -- but because it
4 was -- it was appealable, you know, the tribes
5 choose to appeal. That's the first reason why
6 I didn't believe that -- that lending was
7 illegal, after the -- the Southern District of
8 New York decision.

9 And then when the Second
10 Circuit opinion came out, the Second Circuit
11 recognized, very strongly, the relationship
12 that exists between Indian Tribes as sovereign
13 and their ability to diversify, you know,
14 their economy, and there wasn't -- I mean
15 there were -- I mean it was a very balanced
16 opinion that it all wasn't up -- upholding the
17 -- the pre -- the denial of the preliminary
18 injunction. It -- it still wasn't -- was at a
19 very preliminary stage in that case.

20 Q. You had discussions with Mr. Martorello about
21 those opinions?

22 A. Yes.

23 Q. And did you understand from your discussions
24 with Mr. Martorello that he accepted your view
25 of those cases, or didn't accept your view of

1 those cases?

2 A. Matt and I had fights about these cases; I
3 mean we had arguments. I don't believe he
4 accepted my view, but my view was coming from
5 the prospective of the tribe, and what was
6 necessary for the tribe to assert its
7 sovereignty.

8 You know, Matt had a very
9 different view, and that's -- I think that
10 there were -- at some points during both
11 cases, where views kind of, you know, merged
12 and -- and diverged, but it -- it depended on
13 the day with regard to what Matt's views (sic)
14 was (sic) with regard to the cases.

15 Q. Based on your conversations with Mr.
16 Martorello, do you believe that once the
17 Second Circuit Opinion came down, that he
18 believed thst the Red Rock and Duck Creek and
19 lending operations were illegal?

20 MS. KELLY: Objection,
21 leading, lack of foundation.

22 MR. SCHEFF: You can answer.

23 A. No, I don't believe he thought they were
24 illegal after the Second Circuit Opinion. I
25 remember conversations in which he was -- he

1 was very pleased with the outcome.

2 MR. SCHEFF: Ms. Kelly needs
3 to take her break, and I'm sorry that I've run
4 over a little bit on that, Kristi, and so
5 Kristi, do you still need 30 minutes, or can
6 you come back at one?

7 VIDEOGRAPHER: One moment, we
8 are going off the record at 11:36 a.m.

9 (Recess taken at 11:36
10 a.m. (CT) and 12:36 p.m (ET).

11 (Back on the record at
12 12:07 p.m. (CT) and 1:07 p.m. (ET).

13 VIDEOGRAPHER: We are back on
14 the record at 12:07 p.m.

15 MR. SCHEFF: We are back on
16 the record.

17 (Defendant's Deposition
18 Exhibit Number 2, marked and identified for
19 the record remotely via Sarah).

20 MR. SCHEFF: Ms. Wichtman, I
21 want to show you another document. Sarah,
22 could you pull our Tab 1A; Fred this is Tab 11
23 for you.

24 MR. BAKER: Thank you.

25 MR. SCHEFF: And if you could

1 for Red Rock?

2 A. Yes.

3 Q. Okay. So if you go back to the first
4 page, the cover, your e-mail to counsel. And you
5 see where it says Dear Honorable Counsel?

6 A. Yes.

7 Q. And then there's that paragraph. And
8 then, you know, from you, that says, "Attached is
9 the legal opinion that has been drafted to satisfy
10 the request (demand) for legal opinion regarding the
11 validity of the sovereign model for both RRTL and
12 DCTF, along with the attachments referenced in the
13 letter."

14 Have I read that sentence correctly?

15 A. Yes.

16 Q. RRTL is Red Rock?

17 A. Yes.

18 Q. And DCTF is Duck Creek?

19 A. Yes.

20 Q. And if you then turn to page 2 of the
21 opinion, probably page 4 of the .pdf. Yeah, the
22 next page.

23 When you go to the paragraph -- the
24 last paragraph on the page.

25 A. Hold on. I'm gonna blow it up.

1 Q. Yeah. Sure.

2 A. (Complied.) That didn't do much.

3 Q. That's what I have to do, that shouldn't
4 be what you have to do.

5 A. Not 200 percent, just 150 percent.

6 What paragraph, Rich?

7 Q. The paragraph that starts, "To be sure."

8 A. Okay.

9 Q. Could you just read that to yourself,
10 please.

11 A. (Complied.) I've read it.

12 Q. Did you believe that to be true at the
13 time you authored this opinion?

14 A. Yes.

15 Q. Do you believe it to be true today?

16 A. Yes.

17 Q. Did you discuss this opinion at all with
18 Mr. Martorello?

19 A. Mr. Martorello was cc'd on the opinion.

20 Q. Okay. Could you go, please, to page --
21 it's probably page 10 of the .pdf.

22 A. (Complied.)

23 Q. Yes. Could you read the conclusion to
24 yourself, please.

25 A. (Complied.) I've read it.

1 Q. Do you believe it to be true at the time
2 you wrote this?

3 A. Yes.

4 Q. Do you believe it to be true today?

5 A. Yes.

6 Q. Did you talk to Mr. Martorello about it?

7 A. He was cc'd.

8 Q. Okay. If you could go, please, to Tab 8.
9 Fred, that will be your 37.

10 MR. BAKER: Thank you.

11 A. (Complied.)

12 Q. (BY MR. SCHEFF) Are you familiar with
13 this document, Miss Wichtman?

14 A. Yes.

15 Q. And this is a supplement to the legal
16 opinion that you just testified about, correct?

17 A. Yes.

18 Q. Now, in this opinion, you were explaining
19 to LST Financial your view of the district court
20 opinion in the ^ Oto Missouri case, correct?

21 A. Yes.

22 Q. And you did so at their request. They
23 requested this from you?

24 A. That would have been the only reason I
25 drafted it, so yes.

1 Q. Okay. And after this letter was sent to
2 LST Financial, did LST Financial terminate its
3 relationship with Red Rock?

4 A. No.

5 Q. How long did that relationship continue?

6 A. Until LST went out of business.

7 Q. Do you know when that was, approximately,
8 or not?

9 A. I don't know.

10 Q. Okay.

11 MR. SCHEFF: Sarah, could you please
12 mark Tab 12.

13 And, Fred, that will be your 41.

14 THE COURT REPORTER: Just one second.
15 Okay. I'm back.

16 MR. SCHEFF: Okay.

17 Q. (BY MR. SCHEFF) Miss Wichtman, have you
18 ever seen this document before?

19 A. Yes.

20 Q. Did you participate in writing it or
21 contribute to it?

22 A. I believe so, yes.

23 Q. Okay. And did you agree with this when
24 you wrote it or participated in writing it?

25 A. (Examined exhibit.) I'm just taking a

1 look at it.

2 Q. Sure. Of course.

3 A. (Examined exhibit.) Okay. I'm ready for
4 questions now, Rich.

5 Q. Did you agree with this when you
6 contributed to it?

7 A. Yes.

8 Q. Do you agree with it today?

9 A. Yes.

10 Q. What is Turtle Talk?

11 A. Turtle Talk.

12 THE COURT REPORTER: I'm sorry,
13 T-a-l-k? Turtle Talk?

14 MR. SCHEFF: Yes.

15 THE COURT REPORTER: Okay. Thank you.

16 A. Turtle Talk is a blog that is well-known
17 in Indian country with regard to indigenous law and
18 policy issues. I'm not -- I mean, I think it's
19 housed at MSU, Michigan State University College of
20 Law.

21 Q. (BY MR. SCHEFF) All right. Just didn't
22 know.

23 Miss Wichtman, could you take a look
24 at -- I'm sorry.

25 MR. SCHEFF: Sarah, could you mark the

1 document behind Tab 9, please.

2 Fred, that will be your 20.

3 MR. BAKER: Thank you.

4 MR. SCHEFF: And could you give
5 Miss Wichtman control, please.

6 DOCUMENT TECHNICIAN: (Complied.)

7 Q. (BY MR. SCHEFF) So Miss Wichtman, this
8 one's dated January 10th of 2014. It's redacted in
9 terms of who it's addressed to, but if you look at
10 the first paragraph, second sentence, "We appreciate
11 your services and thank you for providing payment
12 processing services to the tribe Duck Creek
13 Financial LLC doing business as Pepper Cash."

14 Does that give you a hint as to who
15 this was addressed to?

16 A. I think I saw who it was addressed to when
17 I read the documents. The redaction wasn't
18 thorough.

19 Q. I'm sorry?

20 A. The redaction wasn't very thorough.

21 Q. So at the bottom --

22 A. Page 2.

23 Q. -- page 2. It says Payment Data Systems?

24 A. Right.

25 Q. Is that who it was addressed to?

1 A. That would be the way I would format my
2 letters, so that's my best --

3 Q. Who was Payment Data Systems?

4 A. A payment processor.

5 Q. And what does that mean, a payment
6 processor?

7 A. An ACH provider.

8 Q. I'm sorry, an ACH provider?

9 A. ACH provider.

10 THE COURT REPORTER: I'm sorry. I'm
11 sorry. You're cutting out. "An ACH provider," did
12 you say? .

13 Q. (BY MR. SCHEFF) Miss Wichtman, I'm sorry.
14 I didn't hear your answer to my question?

15 A. An ACH provider when you say payment
16 processor it could be a debit or credit card
17 processor.

18 Q. Okay. Could you turn to page 2, please.
19 And this paragraph, again, right above the
20 background on LVD Lending Enterprises, the "to be
21 sure" paragraph?

22 A. Yep.

23 Q. Accurate at the time?

24 A. Yes.

25 Q. Accurate today?

1 A. Yes.

2 Q. Could you turn to page 8 of the exhibit,
3 please?

4 A. (Complied.)

5 Q. And this conclusion paragraph, accurate at
6 the time?

7 A. Yes.

8 Q. Accurate today?

9 A. Yes.

10 Q. Did you discuss these concepts with
11 Mr. Martorello?

12 A. I don't know who this was addressed -- I
13 mean, who this was cc'd to -- yes. Over time.

14 Q. Thank you. Okay. Why don't you go?

15 MR. SCHEFF: Sarah, could you mark
16 Tab 10 as the next exhibit.

17 Fred, that will be your Number 15.

18 MR. BAKER: Thank you.

19 A. (Examined exhibit.)

20 Q. (BY MR. SCHEFF) Okay. Miss Wichtman, do
21 you recognize this document? It's dated
22 January 22nd, 2014.

23 A. Yes.

24 Q. And I know this is redacted. Do you know
25 who it was sent to?

1 A. Lewis Hodge was the president and CEO of
2 PDS, so the same person that received.

3 THE COURT REPORTER: "CEO of" --
4 what's the acronym?

5 THE WITNESS: PDS, Payment Data
6 Systems.

7 THE COURT REPORTER: Thank you.

8 Q. (BY MR. SCHEFF) So Miss Wichtman, this
9 one concerns the tribal dispute resolution mechanism
10 available to consumers under the tribe's Consumer
11 Financial Services Regulatory Code, correct.

12 A. Correct.

13 Q. Do you remember this inquiry coming in for
14 an opinion on the tribal dispute resolution
15 mechanism?

16 A. Vaguely. I do.

17 Q. Are you familiar with the tribal dispute,
18 the resolution mechanism?

19 A. Yes.

20 Q. And do you believe it to be a sham
21 process?

22 A. No.

23 Q. Did you ever believe it to be a sham
24 process?

25 A. No.

1 Q. Would you please turn to the second page
2 of the opinion under the heading "Red Rock
3 Operations."

4 Can you read that to yourself, please.

5 A. (Complied.) The whole section, right,
6 read it?

7 Q. Yeah. It's the whole section. It's just
8 that one page.

9 A. Okay. I've read it.

10 Q. Is there anything about that that's
11 inaccurate, as far as you know?

12 A. Other than, you know, just qualifying with
13 the understanding that the Red Rock service delivery
14 was happening through Duck Creek employees.

15 Q. Okay. That's the one correction?

16 A. Right.

17 Q. Okay. And other than that, it's accurate,
18 correct?

19 A. Yes.

20 Q. Okay. Could you please --.

21 MR. SCHEFF: Sarah, could you mark
22 Tab 11, please.

23 Fred, that will be your 19.

24 MR. BAKER: Thank you.

25 A. (Examined exhibit.)

1 Q. (BY MR. SCHEFF) So Miss Wichtman, this
2 form of document which comes out from the Rosette
3 law firm to tribal lending clients, are you familiar
4 with that form of memorandum?

5 A. This particular document or just kind of
6 the updates?

7 Q. Well, let me ask you about just the form
8 of document first and then this particular one.

9 A. Rosette would often provide updates to
10 their clients, yes.

11 Q. Okay. Did you participant or contribute
12 to the writing of this one?

13 A. I don't know. Let me take a look.

14 Q. Okay.

15 A. (Examined exhibit.) Given the date on the
16 document, Rich.

17 Q. Yeah.

18 A. I'm sure I reviewed it. It came out of
19 our California office, though.

20 Q. Okay. In reading it, is there anything
21 about it that you disagree with?

22 A. No.

23 Q. No? Did you discuss this decision with
24 Mr. Martorello?

25 A. Yes.

1 Q. Okay. And did you share the views that
2 are expressed in this exhibit with Mr. Martorello?

3 A. I'm sure that was the basis of our
4 discussion, yes.

5 Q. Okay. I'm sorry. I didn't mean to cut
6 you off.

7 A. I can't recall -- I mean, there were lots
8 of discussions about lots of cases as the decisions
9 came down or, I mean . . .

10 Q. I understand.

11 But you do remember discussing this
12 case and these types of concepts with Mr. Martorello
13 over those years?

14 A. Yes.

15 Q. Okay.

16 MR. SCHEFF: Sarah, could you mark as
17 the -- as the next four exhibits, our tabs 14, 15,
18 16 and 17 -- I'm sorry, 14, 15, 16 -- 13, 14, 15,
19 16. Sorry.

20 Fred, 13 is your 32.

21 14 is your 22.

22 15 is your 21.

23 And 16 is your 18.

24 MR. BAKER: Thank you.

25 MS. KELLY: I'm sorry, Richard, but

1 these are exhibits numbers: 15, 16, 17, and 18,
2 right?

3 MR. SCHEFF: No. These are tab
4 numbers in my book. I'm asking Sarah if she'll just
5 mark them as consecutive exhibits.

6 MS. KELLY: Okay.

7 MR. SCHEFF: Because Fred has
8 different numbers, based on a misunderstanding that
9 we had. I'm providing his numbers to him so he can
10 find them easily.

11 MS. KELLY: Okay. But your numbers
12 are not the exhibit number, for the record.

13 MR. SCHEFF: No, they're not. These
14 are AW 15 through 18, if I'm correct.

15 A. (Complied.)

16 MR. SCHEFF: So, Sarah, is it possible
17 that Miss Wichtman can look at all these exhibits
18 without going back and forth?

19 Q. (BY MR. SCHEFF) And, Ms. Wichtman, the
20 reason I say that they're all dated the same date
21 November 3rd, 2014, and they're all to the Chippewa
22 Valley Bank.

23 And so 13 relates to Red Rock.

24 14 relates to Duck Creek.

25 15 relates to Red Rock.

1 And 16 relates to Big Picture Loans.

2 So take a look at 13 first -- and
3 Miss Wichtman, Chippewa Valley Bank had what
4 relationship with Red Rock in November of '14?

5 A. They were one of our depository banks.

6 Q. Okay. And so that means that Red Rock had
7 bank accounts at Chippewa Valley?

8 A. Yes.

9 Q. Could you turn to the second page of this
10 opinion.

11 A. Um-hum. (Complied.)

12 Q. And you see the paragraph starting, "Thus
13 the legality of tribal lending operations" and then
14 "to be sure"?

15 A. Yeah.

16 Q. Can you read those and then tell me
17 whether those were accurate at the time and then
18 accurate today.

19 A. (Complied.) Yes and yes.

20 Q. Could you go to the next exhibit,
21 Exhibit 16, I guess it is. And, I'm sorry. This
22 one's dated November 3rd, 2015, the other one was
23 14, sorry. I misspoke.

24 A. Right.

25 Q. As of November 3rd, 2015, was Chippewa

1 Valley a bank -- a bank that Duck Creek used?

2 A. Yes.

3 Q. Okay. And if you could look at the next
4 page, please.

5 A. (Complied.)

6 Q. And if you could scroll down to that
7 paragraph that says thus the legality and then the
8 next paragraph, the "to be sure" paragraph.

9 A. Um-hum.

10 Q. And, again, I just want to know whether
11 accurate then and whether they're still accurate
12 today?

13 A. (Examined exhibit.)

14 MR. BAKER: Pardon me, our time frame
15 is.

16 MR. SCHEFF: 2015.

17 MR. BAKER: 2018.

18 MR. SCHEFF: As of the date you left
19 Rosette, if it was accurate as of that date.

20 A. Yes.

21 Q. (BY MR. SCHEFF) Okay. And then to page 8
22 of the exhibit, please, the conclusion paragraph.
23 Keep going.

24 A. Oh, sorry.

25 Q. You can read whatever you want, but I'm

1 asking you about the conclusion paragraph.

2 A. (Examined exhibit.) Okay. I'm there.

3 Q. Accurate as of November 2015 when this was
4 issued?

5 A. Yes.

6 Q. Accurate as of the date you left Rosette?

7 A. Yes.

8 Q. Did you discuss the substance of this
9 opinion, the issues with Mr. Martorello?

10 A. Not this particular opinion, probably, but
11 the issues that are discussed within it, yes.

12 Q. Okay. And as of this date of the opinion
13 of November 3rd, 2015, the sale has not yet closed,
14 right, the sale of Bellicose and SourcePoint to the
15 tribe?

16 A. Right.

17 Q. Okay. Could you go to the next exhibit,
18 please.

19 A. 16? Is that where we're at?

20 Q. I thought we were at 16. So 17.

21 A. 17, okay. (Complied.)

22 Q. Okay. November 3rd, '15, again to
23 Chippewa Valley. This one on behalf of Red Rock
24 Tribal Lending?

25 A. Um-hum.

1 Q. And if you could go to the next page,
2 please. The --

3 A. Sorry.

4 Q. That's all right. Go to the next
5 paragraph.

6 A. Yes.

7 Q. The paragraph, "thus the legality" and
8 then the "to be sure" paragraph, just, again,
9 accurate then and accurate of the date you left
10 Rosette?

11 A. Yes.

12 Q. And if you turn to page 8, if you could
13 read the conclusion paragraph.

14 A. (Complied.) I read it.

15 Q. Accurate then?

16 A. Yes.

17 Q. Accurate as of the date that you left
18 Rosette?

19 A. Yes.

20 Q. Discussed the concepts with Mr. Martorello
21 over the years?

22 A. Yes.

23 Q. Okay. Could you turn to Exhibit 18,
24 please. Again November 3rd, 2015, to Chippewa
25 Valley Bank. This one on behalf of Big Picture?

1 A. Um-hum. (Examined exhibit.)

2 Q. Now, this is the first one on behalf of
3 Big Picture loans that we're looking at.

4 As of this date was Big Picture Loans
5 operational?

6 A. Was in existence. I don't think -- it
7 wasn't operational.

8 Q. Okay. If you look at page 2. Again, I'm
9 just pointing to the two paragraphs I've been
10 pointing you to. "Thus the legality" and the "to be
11 sure" paragraphs.

12 If you could read that and tell me
13 whether they're accurate then and accurate as of the
14 date you left Rosette?

15 A. (Examined exhibit.) Yes.

16 Q. Okay. And accurate then and accurate as
17 of the date you left Rosette?

18 A. Yes.

19 Q. Could you go to the next page, please.
20 I'm sorry. The page that you're on. Background of
21 LVD Lending Enterprises?

22 A. Okay.

23 Q. And, again, if you could just read that
24 section to yourself. And, again, I want to know
25 whether it was accurate then and was accurate as of

1 the date that you left Rosette?

2 A. (Examined exhibit.)

3 Q. And was that section accurate, Miss
4 Wichtman, then and when you left?

5 A. Yes, I believe so.

6 Q. Okay.

7 MS. KELLY: Richard, when you're at a
8 good stopping point. Can we have a brief break?

9 MR. SCHEFF: Sure. Do you want to do
10 it right now?

11 MS. KELLY: I was waiting until you
12 were done with the set of exhibits.

13 MR. SCHEFF: Let me mark one more and
14 then we'll take the break, if that's okay.

15 MS. KELLY: That's fine. Thank you.

16

17

18 (Conclusion of section.)

19

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REPORTER'S CERTIFICATE

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1 MS. KELLY: Okay.

2 Richard, when you're at a
3 good stopping point, can we have a
4 brief break?

5 MR. SCHEFF: Sure.

6 Do you want to do it right
7 now?

8 MS. KELLY: I was just waiting
9 until you're done this set of exhibits,
10 so if you have --

11 MR. SCHEFF: Okay.

12 Well then, let me mark one
13 more and then we'll take the break, if
14 that's okay.

15 MS. KELLY: That's fine. Thank
16 you.

17 MR. SCHEFF: Sarah, if you can
18 mark our Tab 20.

19 Fred, it's your Tab No. 9
20 nine.

21 BY MR. SCHEFF:

22 Q So Ms. Wichtman, you can see that this
23 one is dated December 13, 2016, so that's
24 post sale, correct?

1 A Yes.

2 Q And this relates to Big Picture Loans
3 against the Chippewa Valley Bank.

4 If you could turn to page 2,
5 please. You see the thus, the legality
6 paragraph and the to be sure paragraph?
7 Again, I just want to make sure, were they
8 accurate then and accurate as of the time
9 you left Rosette?

10 A Yes.

11 Q Did -- did you discuss these
12 concepts -- strike that. Did you continue
13 to discuss the concepts that are detailed
14 in this later with Mr. Martorello post sale
15 up to the point in time that you left
16 Rosette?

17 A No. I mean -- no. I had very little
18 contact with Mr. Martorello after the sale.

19 Q Okay.

20 That's fine. One other quick --
21 are you familiar with the proposed ability
22 to repay rule that the CFPB was considering
23 in 2015?

24 A Yes, I am.

CERTIFICATE

I HEREBY CERTIFY that this transcript is a true record of the content on the file provided to me to the best of my ability.

Maureen Cunningham Brzycki,

Dated: July 17,

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